



1

2007 NOV -2 PM 4:38

**In re Applicant:**

**Eli Yanovsky**

**Serial No.:** 09/800,719

**Filed: March 8, 2001**

For: Random Data Method and Apparatus

**Examiner:** Paula W. Klimach

~~~~~

**Group Art Unit: 2135**

**Attorney  
Docket: 21252**

**Mail Stop 16**  
**Commissioner for Patents**  
**P.O. Box 1450**  
**Alexandria, VA 22313-1450**

**REQUEST FOR REFUND UNDER 37 CFR 1.26**

**Sir:**

During the course of prosecuting the above-identified application, Applicant filed a Request for Continued Examination (RCE) on November 28, 2005.

Applicant, through error and mistake, erred in calculating the fees required when filing an RCE, and authorized excess filing fee payments based on the total number of claims then pending in the application, as well as the \$395.00 RCE fee, even though no additional claims were introduced at the time of filing of the RCE's.

These authorized charges were then debited from Applicant's Deposit Account 501407. It is requested that these excess charges, made by mistake, be refunded to Applicants Deposit Account 501407.

The details of the errors are as follows:

Applicant authorized (see attachment) the RCE filing charge of \$ 395, as well as \$ 275 for 11 additional claims over 20, and \$100 for 1 additional independent claims over 3, even though the above claims had been previously been paid for and no new claims over those previously paid for were introduced with the filing of the RCE. These charges

were debited on November 29, 2005 from Applicants Deposit Account 501407, and are highlighted in the attached November 2005 Deposit Account Statement. The charges for the excess claims fees (Fee Codes 2201 and 2202) were not required and paid by mistake.

A refund of \$ 375 is deemed to be in order.

Applicant only became aware of the error in calculating RCE filing charges recently.

Applicant has not previously asked for a refund of these charges made in error.

Applicant has not been refunded the excess charges requested herein.

This request for refund is being made within two years of the charge against the Deposit Account.

This request for refund is clearly one that was paid by mistake, and in excess of that required and is contemplated by 37 CFR 1.26.

Favorable consideration of this Refund request is earnestly solicited.

Respectfully submitted,



Martin Moynihan,  
Registration No. 40,338

Date: October 30, 2007



Best Available Copy

PTO/SB/30 (08-00)  
Approved for use through 10/31/2002. OMB 0651-0031  
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE  
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**REQUEST  
FOR  
CONTINUED EXAMINATION (RCE)  
TRANSMITTAL**

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000,  
provides for continued examination of an utility or plant application  
filed on or after June 8, 1995.  
See The American Inventors Protection Act of 1999 (AIPA).

|                           |                     |
|---------------------------|---------------------|
| Application Number        | 09/800,719          |
| Filing Date               | 03/08/2001          |
| Examiner Name             | Paula W.<br>KLIMACH |
| First Named Inventor      | EII YANOVSKY        |
| Group Art Unit            | 2135                |
| Attorney Docket<br>Number | 00/21252            |

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.  
**NOTE:** 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53 (d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See *Changes to Application Examination and Provisional Application Practice*, Final Rule, 65 Fed. Reg. 50092 (Aug. 18, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

**1. Submission required under 37 C.F.R. § 1.114**

**a. ☐ Previously submitted**

- i. ☐ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on \_\_\_\_\_  
(Any unentered amendment(s) referred to above will be entered).
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_

**b. ☒ Enclosed**

- i. ☒ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☒ Other Three (3) Month Extension fee
- v. ☐ Other \_\_\_\_\_

**2. Miscellaneous**

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
- b. ☐ Other \_\_\_\_\_

**3. Fees** The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

|                                         |           |    | SMALL ENTITY |                 | OTHER THAN A SMALL ENTITY |           |
|-----------------------------------------|-----------|----|--------------|-----------------|---------------------------|-----------|
|                                         |           |    | RATE         | FEE             | RATE                      | FEE       |
| Request for Continued Examination (RCE) |           |    | 1            | \$ 395.00       |                           | \$ 790    |
| Multiple Dependent Claims               |           |    | x \$ 180.00  | \$ 0.00         | x \$ 360                  | \$        |
| Total Claims                            | 31 - 20 = | 11 | x \$ 25.00   | \$ 275.00       | x \$ 50                   | \$        |
| Independent Claims*                     | 4 - 3 =   | 1  | x \$ 100.00  | \$ 100.00       | x \$ 200                  | \$        |
|                                         |           |    | <b>TOTAL</b> | <b>\$770.00</b> | <b>TOTAL</b>              | <b>\$</b> |

☒ The Commissioner is hereby authorized to charge \$770.00.- filing fees to Deposit Account No. 50-1407. In the event additional fees are required, please charge these additional fees to Deposit Account No. 50-1407. In the event of overpayment, please credit Deposit Account No. 50-1407.

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

|                   |                 |                                   |                   |
|-------------------|-----------------|-----------------------------------|-------------------|
| Name (Print/Type) | Martin Moynihan | Registration No. (Attorney/Agent) | 40,338            |
| Signature         |                 | Date                              | November 24, 2005 |



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Trademark Office**



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### Deposit Account Statement

|                                   |                              |
|-----------------------------------|------------------------------|
| <b>Requested Statement Month:</b> | November 2005                |
| <b>Deposit Account Number:</b>    | 501407                       |
| <b>Name:</b>                      | G E EHRLICH (1995) LTD.      |
| <b>Attention:</b>                 | A J CASTORINA                |
| <b>Address:</b>                   | 2001 JEFFERSON DAVIS HIGHWAY |
| <b>City:</b>                      | ARLINGTON                    |
| <b>State:</b>                     | VA                           |
| <b>Zip:</b>                       | 22202                        |
| <b>Country:</b>                   | UNITED STATES                |

| DATE  | SEQ | POSTING<br>REF TXT | ATTORNEY<br>DOCKET<br>NBR | FEE<br>CODE | AMT       | BAL         |
|-------|-----|--------------------|---------------------------|-------------|-----------|-------------|
| 11/01 | 27  | 11222855           | 30519                     | 2051        | \$65.00   | \$42,503.00 |
| 11/01 | 5   | 10537429           | 29913                     | 2632        | -\$250.00 | \$42,753.00 |
| 11/01 | 6   | 10537429           | 29913                     | 2641        | \$50.00   | \$42,703.00 |
| 11/01 | 192 | 60649080           | 28928(30765)              | 8007        | \$20.00   | \$42,683.00 |
| 11/01 | 197 | 11106438           | 29093(30659)              | 8007        | \$20.00   | \$42,663.00 |
| 11/01 | 359 | 11030887           | 2844 (30659)              | 8007        | \$20.00   | \$42,643.00 |
| 11/01 | 360 | 60628542           | 28879 (30872)             | 8007        | \$20.00   | \$42,623.00 |
| 11/01 | 141 | 11222855           | 30519                     | 8021        | \$40.00   | \$42,583.00 |
| 11/01 | 145 | 60610660           | 29196(29197)              | 8021        | \$40.00   | \$42,543.00 |
| 11/01 | 413 | 11006827           | 28896(30613)              | 8007        | \$20.00   | \$42,523.00 |
| 11/01 | 417 | 60681463           | 29175(30703)              | 8007        | \$20.00   | \$42,503.00 |
| 11/01 | 418 | 60641444           | 29078(30703)              | 8007        | \$20.00   | \$42,483.00 |
| 11/02 | 36  | 6391097            |                           | 2551        | \$450.00  | \$42,033.00 |
| 11/02 | 74  | 10187382           | 02/23849                  | 2251        | \$60.00   | \$41,973.00 |
| 11/02 | 9   | 60731274           | 30863                     | 2005        | \$100.00  | \$41,873.00 |
| 11/03 | 1   | 10163993           | 02/23884                  | 2201        | \$200.00  | \$41,673.00 |
| 11/03 | 2   | 10163993           | 02/23884                  | 2202        | \$150.00  | \$41,523.00 |
| 11/03 | 135 | 60681469           | 29937(30774)              | 8007        | \$20.00   | \$41,503.00 |
| 11/03 | 136 | 11043770           | 28488(30774)              | 8007        | \$20.00   | \$41,483.00 |
| 11/03 | 137 | 60641186           | 29168 (30774)             | 8007        | \$20.00   | \$41,463.00 |
| 11/03 | 63  | 11262760           | 30313                     | 2011        | \$150.00  | \$41,313.00 |
| 11/03 | 64  | 11262760           | 30313                     | 2111        | \$250.00  | \$41,063.00 |
| 11/03 | 65  | 11262760           | 30313                     | 2311        | \$100.00  | \$40,963.00 |
| 11/03 | 66  | 11262760           | 30313                     | 2202        | \$350.00  | \$40,613.00 |
| 11/03 | 67  | 11262760           | 30313                     | 2201        | \$100.00  | \$40,513.00 |
| 11/03 | 206 | 60641157           | 29134(29138)              | 8007        | \$20.00   | \$40,493.00 |
| 11/03 | 114 | 10759091           | 27118                     | 1806        | \$180.00  | \$40,313.00 |
| 11/03 | 451 | 10554743           | 30746                     | 1631        | \$300.00  | \$40,013.00 |
| 11/03 | 453 | 10554743           | 30746                     | 1632        | \$500.00  | \$39,513.00 |
| 11/03 | 452 | 10554743           | 30746                     | 1633        | \$200.00  | \$39,313.00 |

|           |          |              |      |             |             |
|-----------|----------|--------------|------|-------------|-------------|
| 11/25 183 | 11284236 | 30531        | 2081 | \$500.00    | \$32,973.00 |
| 11/25 338 | 11284832 | 30494        | 2011 | \$150.00    | \$32,823.00 |
| 11/25 339 | 11284832 | 30494        | 2111 | \$250.00    | \$32,573.00 |
| 11/25 341 | 11284832 | 30494        | 2202 | \$10,500.00 | \$22,073.00 |
| 11/25 343 | 11284832 | 30494        | 2081 | \$250.00    | \$21,823.00 |
| 11/25 342 | 11284832 | 30494        | 2201 | \$600.00    | \$21,223.00 |
| 11/25 340 | 11284832 | 30494        | 2311 | \$100.00    | \$21,123.00 |
| 11/28 33  | 60646543 | 29209(30995) | 8007 | \$20.00     | \$21,103.00 |
| 11/28 34  | 60646541 | 29278(30996) | 8007 | \$20.00     | \$21,083.00 |
| 11/28 36  | 60654505 | 29449(30997) | 8007 | \$20.00     | \$21,063.00 |
| 11/28 37  | 60646542 | 29208(30994) | 8007 | \$20.00     | \$21,043.00 |
| 11/28 39  | 60646537 | 29207(30993) | 8007 | \$20.00     | \$21,023.00 |
| 11/28 4   | 10516318 | 28867        | 1615 | \$1,000.00  | \$20,023.00 |
| 11/28 199 | 11037025 | 28039(30990) | 8007 | \$20.00     | \$20,003.00 |
| 11/28 202 | 60710611 | 29171(30523) | 8007 | \$20.00     | \$19,983.00 |
| 11/28 144 | 09868083 | 25192        | 2252 | \$225.00    | \$19,758.00 |
| 11/28 145 | 10475591 | 26369        | 2251 | \$60.00     | \$19,698.00 |
| 11/28 146 | 10475591 | 26369        | 2202 | \$75.00     | \$19,623.00 |
| 11/28 148 | 10475523 | 27046        | 2251 | \$60.00     | \$19,563.00 |
| 11/28 149 | 11194582 | 30193        | 1251 | \$120.00    | \$19,443.00 |
| 11/28 150 | 11194582 | 30193        | 1051 | \$130.00    | \$19,313.00 |
| 11/28 290 | 60707957 | 30485(30532) | 8007 | \$20.00     | \$19,293.00 |
| 11/29 166 | 29243406 | 31050        | 2012 | \$100.00    | \$19,193.00 |
| 11/29 167 | 29243406 | 31050        | 2112 | \$50.00     | \$19,143.00 |
| 11/29 168 | 29243406 | 31050        | 2312 | \$65.00     | \$19,078.00 |
| 11/29 87  | 60739932 | 31073        | 2005 | \$100.00    | \$18,978.00 |
| 11/29 200 | 10750969 | 27054        | 8021 | \$40.00     | \$18,938.00 |
| 11/29 228 | 09800719 | 00/21252     | 2202 | \$275.00    | \$18,663.00 |
| 11/29 226 | 09800719 | 00/21252     | 2801 | \$395.00    | \$18,268.00 |
| 11/29 227 | 09800719 | 00/21252     | 2201 | \$100.00    | \$18,168.00 |
| 11/29 229 | 09800719 | 00/21252     | 2253 | \$510.00    | \$17,658.00 |
| 11/30 57  | 11283928 | 30702        | 8021 | \$40.00     | \$17,618.00 |
| 11/30 71  | 11283865 | 30629        | 8021 | \$40.00     | \$17,578.00 |
| 11/30 16  | 11224148 | 30484        | 2051 | \$65.00     | \$17,513.00 |
| 11/30 276 | 09071541 | 40750-5001   | 2252 | \$225.00    | \$17,288.00 |
| 11/30 207 | 09942121 | 01/22453     | 2252 | \$225.00    | \$17,063.00 |
| 11/30 208 | 09942121 | 01/22453     | 2202 | \$350.00    | \$16,713.00 |
| 11/30 209 | 09942121 | 01/22453     | 2814 | \$65.00     | \$16,648.00 |

START SUM OF  
BALANCE CHARGES  
\$42,568.00 \$78,670.00

SUM OF END  
REPLENISH BALANCE  
\$52,750.00 \$16,648.00

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|                                                                                                                                                                                                                                                                                                                      |                        |                  |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|------------------|
| <b>REQUEST<br/>FOR<br/>CONTINUED EXAMINATION (RCE)<br/>TRANSMITTAL</b><br><br>Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000,<br>provides for continued examination of an utility or plant application<br>filed on or after June 8, 1995.<br>See The American Inventors Protection Act of 1999 (AIPA). | Application Number     | 09/800,719       |
|                                                                                                                                                                                                                                                                                                                      | Filing Date            | 03/08/2001       |
|                                                                                                                                                                                                                                                                                                                      | Examiner Name          | Paula W. KLIMACH |
|                                                                                                                                                                                                                                                                                                                      | First Named Inventor   | Eli YANOVSKY     |
|                                                                                                                                                                                                                                                                                                                      | Group Art Unit         | 2135             |
|                                                                                                                                                                                                                                                                                                                      | Attorney Docket Number | 00/21252         |

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.  
**NOTE:** 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53 (d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Final Rule, 65 Fed. Reg. 50092 (Aug. 18, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

1. **Submission required under 37 C.F.R. § 1.114**  
a. ☐ Previously submitted  
i. ☐ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on \_\_\_\_\_  
(Any unentered amendment(s) referred to above will be entered).  
ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_  
b. ☒ **Enclosed**  
i. ☒ **Amendment/Reply**  
ii. ☐ Affidavit(s)/Declaration(s)  
iii. ☐ Information Disclosure Statement (IDS)  
iv. ☒ **Other Three (3) Month Extension fee**  
v. ☐ Other  
2. **Miscellaneous**  
a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)  
b. ☐ Other \_\_\_\_\_  
3. **Fees** The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

|                                         |           |    | SMALL ENTITY |                 | OTHER THAN A SMALL ENTITY |           |
|-----------------------------------------|-----------|----|--------------|-----------------|---------------------------|-----------|
|                                         |           |    | RATE         | FEE             | RATE                      | FEE       |
| Request for Continued Examination (RCE) |           |    | 1            | \$ 395.00       |                           | \$ 790    |
| Multiple Dependent Claims               |           |    | x \$ 180.00  | \$ 0.00         | x \$ 360                  | \$        |
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|                                         |           |    | <b>TOTAL</b> | <b>\$770.00</b> | <b>TOTAL</b>              | <b>\$</b> |

☒ The Commissioner is hereby authorized to charge \$770.00.- filing fees to Deposit Account No. 50-1407. In the event additional fees are required, please charge these additional fees to Deposit Account No. 50-1407. In the event of overpayment, please credit Deposit Account No. 50-1407.

|                                                     |                           |                                   |                   |
|-----------------------------------------------------|---------------------------|-----------------------------------|-------------------|
| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED |                           |                                   |                   |
| Name (Print/Type)                                   | Martin Moynihan           | Registration No. (Attorney/Agent) | 40,338            |
| Signature                                           | <i>Martin D. Moynihan</i> | Date                              | November 24, 2005 |

11/29/2005 SZEWDIE1 00000144 501407 09800719

01 FC:2801 395.00 DA  
02 FC:2201 100.00 DA  
03 FC:2202 275.00 DA

Adjustment date: 11/30/2007  
11/29/2005 SZEWDIE1 00000144 501407 09800719  
02 FC:2201 100.00 CR  
03 FC:2202 275.00 CR